



ADMINISTRATION AND  
MANAGEMENT

## OFFICE OF THE SECRETARY OF DEFENSE

1950 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1950

December 16, 2008

### MEMORANDUM FOR COMMITTEE MANAGEMENT SECRETARIAT GENERAL SERVICES ADMINISTRATION

SUBJECT: Committee Charter Consultation – *Department of Defense Medicare - Eligible Retiree Health Care Board of Actuaries*

The Department of Defense, pursuant to 10 U.S.C § 1114, and the Federal Advisory Committee Act of 1972, as amended, intends to renew the charter for the *Department of Defense Medicare-Eligible Retiree Health Care Board of Actuaries* (attached). The board will operate under the provisions of the Federal Advisory Committee Act of 1972, as amended and 41 CFR, Parts 102-3 through 102-3.185.

Prior to filing the board's charter with the Library of Congress and the appropriate congressional committees the Department of Defense respectfully requests that the Committee Management Secretariat review and approve the proposed charter (attached). The proposed charter has been reviewed and approved by the Office of the General Counsel for the Department of Defense.

If you should have any questions about this charter please contact my point of contact, Mr. Jim Freeman, at 703-601-6128.

James D. Freeman  
Deputy Committee Management Officer  
for the Department of Defense

#### 3 Attachments

1. 10 U.S.C § 1114
2. DoD Board of Actuaries Memo, December 10, 2008
3. Proposed Charter

## **ATTACHMENT 1**

*Office of the Law Revision Counsel, U.S. House of Representatives*[Home](#) [Search](#) [Download](#) [Classification](#) [Codification](#) [About](#)[Go to 1st query term\(s\)](#)

-CITE-

*10 USC Sec. 1114*

01/03/05

-EXPCITE-

TITLE 10 - ARMED FORCES

Subtitle A - General Military Law

PART II - PERSONNEL

CHAPTER 56 - DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE RETIREE HEALTH  
CARE FUND

-HEAD-

Sec. 1114. Board of Actuaries

-STATUTE-

(a) (1) There is established in the Department of Defense a Department of Defense Medicare-Eligible Retiree Health Care Board of Actuaries (hereinafter in this chapter referred to as the "Board"). The Board shall consist of three members who shall be appointed by the Secretary of Defense from among qualified professional actuaries who are members of the Society of Actuaries.

(2) (A) Except as provided in subparagraph (B), the members of the Board shall serve for a term of 15 years, except that a member of the Board appointed to fill a vacancy occurring before the end of the term for which his predecessor was appointed shall only serve until the end of such term. A member may serve after the end of his term until his successor has taken office. A member of the Board may be removed by the Secretary of Defense for misconduct or failure to perform functions vested in the Board, and for no other reason.

(B) Of the members of the Board who are first appointed under this paragraph, one each shall be appointed for terms ending five, ten, and 15 years, respectively, after the date of appointment, as designated by the Secretary of Defense at the time of appointment.

(3) A member of the Board who is not otherwise an employee of the United States is entitled to receive pay at the daily equivalent of the annual rate of basic pay of the highest rate of basic pay under the General Schedule of subchapter III of chapter 53 of title 5, for each day the member is engaged in the performance of duties vested in the Board, and is entitled to travel expenses, including a per diem allowance, in accordance with section 5703 of title 5.

(b) The Board shall report to the Secretary of Defense annually on the actuarial status of the Fund and shall furnish its advice and opinion on matters referred to it by the Secretary.

(c) The Board shall review valuations of the Fund under section 1115(c) of this title and shall report periodically, not less than once every four years, to the President and Congress on the status of the Fund. The Board shall include in such reports recommendations for such changes as in the Board's judgment are necessary to protect the public interest and maintain the Fund on a sound actuarial basis.

-SOURCE-

(Added Pub. L. 106-398, Sec. 1 [[div. A], title VII, Sec. 713(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-180; amended Pub. L. 107-107, div. A, title X, Sec. 1048(a)(12), Dec. 28, 2001, 115 Stat. 1223.)

-MISC1-

AMENDMENTS

2001 - Subsec. (a)(1). Pub. L. 107-107 substituted "hereinafter"

for "hereafter".



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## **ATTACHMENT 2**



DEPARTMENT OF DEFENSE  
BOARD OF ACTUARIES

DEC 10 2008

4040 NORTH FAIRFAX DRIVE, SUITE 308  
ARLINGTON, VIRGINIA 22203-1613

MEMORANDUM FOR DIRECTOR, ADMINISTRATION AND MANAGEMENT

SUBJECT: Charter Renewal for the DoD Medicare-Eligible Retiree Health Care Board  
of Actuaries

The DoD Medicare-Eligible Retiree Health Care Board of Actuaries (Board) was established under the provisions of 10 U.S.C §1114 in 2001 to advise and assist the Secretary of Defense on actuarial matters associated with the DoD Medicare-Eligible Retiree Health Care Fund (Fund). The Federal Advisory Committee Act (FACA) requires that the Board's charter be renewed every two years.

The Board is accomplishing its mission by

- Reporting annually to the Secretary of Defense on the actuarial status of the Fund;
- Reviewing valuations of the Fund and reporting not less than once every four years to the President and Congress on the status of the Fund;
- Furnishing advice and opinion on matters referred by the Secretary of Defense; and
- Advising the Secretary of Defense on all actuarial matters necessary to make determinations in order to finance liabilities of the Fund on an actuarially sound basis.

The Board approved methods and assumptions used in the annual Fund valuations, as well as reporting the actuarial accrued liability of the Fund and approving a method for amortizing it. The Board prepared its first report to the President and Congress on the status of the Fund in 2005, and will prepare another in 2009. It can not be absorbed into another committee or staff function because there are no other FACA committees with actuarial health care expertise. Discontinuing the Board would require legislation and would leave the DoD Office of the Actuary without qualified, expert, and unbiased guidance in their mission of ensuring adequate funding for the benefits of military retirees and their dependents.

The proposed renewal charter is attached. Please feel free to contact me at (703) 696-7413, [inger.pettygrove@osd.pentagon.mil](mailto:inger.pettygrove@osd.pentagon.mil), if you have any questions.

A handwritten signature in black ink, appearing to read "Inger M. Pettygrove". The signature is fluid and cursive, with the first name "Inger" and last name "Pettygrove" clearly distinguishable.

Inger M. Pettygrove  
Designated Federal Official

Attachment:  
DoD Medicare-Eligible Retiree Health Care  
Board of Actuaries Charter



CHARTER  
DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE  
RETIREE HEALTH CARE BOARD OF ACTUARIES

- A. Official Designation: The Committee shall be known as the Department of Defense Medicare-Eligible Retiree Health Care Board of Actuaries (hereafter referred to as the Board).
- B. Objectives and Scope of Activities: The Board, under the provisions of 10 U.S.C § 1114, and the Federal Advisory Committee Act of 1972, as amended, shall advise and assist the Secretary of Defense on actuarial matters associated with the Department of Defense Medicare-Eligible Retiree Health Care Fund (hereafter referred to as the Fund). The Board, under the authority of 10 U.S.C. § 1114, shall –
1. Report annually to the Secretary of Defense, and periodically, but not less than once every four years to the President and the Congress on the status of the Fund to include recommendations for such changes as in the Board's judgment are necessary to protect the public interest and maintain the fund on a sound actuarial basis;
  2. Furnish advice and opinion on matters referred by the Secretary of Defense; and
  3. Advise the Secretary of Defense on all actuarial matters necessary to make determinations in order to finance liabilities of the Fund on an actuarially sound basis.
- C. Board Membership: The Board shall be composed of not more than three Board Members appointed by the Secretary of Defense from among qualified professional actuaries who are members of the Society of Actuaries. The Board Members shall serve for a term of 15 years; except those Board Members appointed to fill a vacancy occurring before the end of the term for which the predecessor was appointed shall serve only until the end of such term. Board Members may serve after the end of the term until a successor has taken office. No Board Member, other than those originally appointed for less than a 15-year term or a Board Member appointed to fill an unexpired term may not be reappointed for successive terms.

Board Members appointed by the Secretary of Defense, who are not Federal officers or employees, shall serve as Special Government Employees under the authority of 5 U.S.C. § 3109, and shall, under the authority of 10 U.S.C. § 1114(a)(3), serve with compensation, to include travel and per diem for official travel. The Chairperson of the Board shall be designated by the Under Secretary of Defense (Personnel and Readiness), on behalf of the Secretary of Defense.

- D. Board Meetings: The Board shall meet at the call of the Designated Federal Officer, in consultation with the Chairperson, and the estimated Board Meetings are one per year. The Board is authorized to establish Subcommittees or Working Groups, as necessary, to fulfill its mission, and these Subcommittees or Working Groups shall

operate under the provisions of the Federal Advisory Committee Act of 1972, as amended.

Such Subcommittees or Working Groups shall not work independently of the chartered Board, and shall report their recommendations and advice to the Board for full deliberation and discussion. Subcommittees or Working Groups have no authority to make decisions on behalf of the chartered Board nor can they report directly to the Agency or any Federal officers or employees who are not Board Members.

- E. Duration and Termination of the Board: The need for this advisory function is on a continuing basis; however, it is subject to renewal every two years.
- F. Agency Support: The Department of Defense, through the Under Secretary of Defense (Personnel and Readiness), shall provide support as deemed necessary for the performance of the Board's functions, and shall ensure compliance with the requirements of 5 U.S.C. Appendix.
- G. Operating Costs: It is estimated that the annual operating costs, to include travel costs, consultant fees, and contract support, are \$75,000.00. The estimated annual personnel costs to the Department of Defense are .5 full-time equivalents (FTEs).
- H. Charter Filed:

## **ATTACHMENT 3**

CHARTER  
DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE  
RETIREE HEALTH CARE BOARD OF ACTUARIES

- A. Official Designation: The Committee shall be known as the Department of Defense Medicare-Eligible Retiree Health Care Board of Actuaries (hereafter referred to as the Board).
- B. Objectives and Scope of Activities: The Board, under the provisions of 10 U.S.C § 1114, and the Federal Advisory Committee Act of 1972, as amended, shall advise and assist the Secretary of Defense on actuarial matters associated with the Department of Defense Medicare-Eligible Retiree Health Care Fund (hereafter referred to as the Fund). The Board, under the authority of 10 U.S.C. § 1114, shall –
1. Report annually to the Secretary of Defense periodically, but not less than once every four years, to the President and the Congress on the status of the Fund to include recommendations for such changes as in the Board's judgment are necessary to protect the public interest and maintain the Fund on a sound actuarial basis;
  2. Furnish advice and opinion on matters referred by the Secretary of Defense; and
  3. Advise the Secretary of Defense on all actuarial matters necessary to make determinations in order to finance liabilities of the Fund on an actuarially sound basis.
- C. Board Membership: The Board shall be composed of not more than three Board Members appointed by the Secretary of Defense from among qualified professional actuaries who are members of the Society of Actuaries. The Board Members shall serve for a term of 15 years; except those Board Members appointed to fill a vacancy occurring before the end of the term for which the predecessor was appointed shall serve only until the end of such term. Board Members may serve after the end of the term until a successor has taken office. No Board Member, other than those originally appointed for less than a 15-year term or a Board Member appointed to fill an unexpired term may be reappointed for successive terms.

Board Members appointed by the Secretary of Defense, who are not full-time or permanent part-time federal employees, are appointed as experts and consultants under the authority of 5 U.S.C. § 3109, and shall serve as Special Government Employees. Pursuant to 10 U.S.C. § 1114(a) (3), the members shall serve with compensation, to include travel and per diem for official travel. The Chairperson of the Board shall be designated by the Under Secretary of Defense (Personnel and Readiness), on behalf of the Secretary of Defense.

- D. Board Meetings: The Board shall meet at the call of the Designated Federal Officer, in consultation with the Chairperson. The estimated number of Board meetings is one per year.

The Designated Federal Officer shall be a full-time or permanent part-time DoD employee, and shall be appointed according to established DoD policies and procedures. The Designated Federal Officer and/or Alternate Designated Federal Officer shall attend all board and subcommittee meetings.

The Board is authorized to establish Subcommittees or Working Groups, as necessary and consistent with its mission, and these Subcommittees or Working Groups shall operate under the provisions of the Federal Advisory Committee Act, the Government in the Sunshine Act of 1976 (5 U.S.C § 552B, as amended), and other appropriate federal regulations.

Such Subcommittees or Working Groups shall not work independently of the chartered Board, and shall report their recommendations and advice to the Board for full deliberation and discussion. Subcommittees or Working Groups have no authority to make decisions on behalf of the chartered Board nor can they report directly to the Agency or any Federal officers or employees who are not Board Members.

- E. Duration and Termination of the Board: The need for this advisory function is on a continuing basis; however, it is subject to renewal every two years.
- F. Agency Support: The Department of Defense, through the Under Secretary of Defense (Personnel and Readiness), shall provide support as deemed necessary for the performance of the Board's functions, and shall ensure compliance with the requirements of 5 U.S.C. Appendix, as amended. Additional support, as deemed necessary by the Under Secretary of Defense (Personnel and Readiness), may be provided from other DoD activities.
- G. Operating Costs: It is estimated that the annual operating costs, to include travel costs, consultant fees, and contract support, are \$75,000.00. The estimated annual personnel costs to the DoD are 0.5 full-time equivalents (FTEs).
- H. Recordkeeping: The records of the Board and its subcommittees shall be handled according to section 2, General Records Schedule 26 and appropriate DoD policies and procedures. These records shall be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552, as amended).
- I. Charter Filed: